

Senate Bill 62

By: Senators Mullis of the 53rd, Whitehead, Sr. of the 24th, Seay of the 34th, Carter of the 13th and Staton of the 18th

AS PASSED

AN ACT

To amend Article 2 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia Crime Information Center, so as to revise provisions relating to publication of statistics by the center; to remove a prohibition against certain identifying data in such statistics; to provide certain conditions for requesting criminal history records; to permit counties and municipalities to request a state and national criminal history record check after passing an ordinance authorizing such record checks for certain specified professions or occupations; to provide for related matters; to provide an effective date; to repeal conflicting law; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia Crime Information Center, is amended by revising paragraph (9) of subsection (a) of Code Section 35-3-33, relating to powers and duties of the Georgia Crime Information Center, as follows:

"(9) Periodically publish statistics, no less frequently than annually, that do not identify persons and report such information to the Governor, the General Assembly, state and local criminal justice agencies, and the general public. Such information shall accurately reflect the level and nature of crime in the state and the operations in general of the different types of agencies within the criminal justice system;"

SECTION 2.

Said article is further amended by revising paragraph (1) of subsection (a) of Code Section 35-3-35, relating to disclosure and dissemination of records by the Georgia Crime Information Center to public agencies and political subdivisions and responsibility and liability of the issuing center, as follows:

"(1) Make criminal history records maintained by the center available to public agencies, political subdivisions, authorities, and instrumentalities, including state or federal

licensing and regulatory agencies or their designated representatives, under the following conditions:

- (A) Public agencies or political subdivisions shall, at the time of the request, provide the fingerprints of the person whose records are requested in such manner prescribed by the center, which may include the electronic imaging of a person's fingerprints, or provide a signed consent of the person whose records are requested on a form prescribed by the center which shall include such person's full name, address, social security number, and date of birth; provided, however, that the provisions of this paragraph shall supersede any other provision relating to the submission of fingerprints to the center;
- (B) The center may not provide records of arrests, charges, or sentences for crimes relating to first offenders pursuant to Article 3 of Chapter 8 of Title 42 in cases where offenders have been exonerated and discharged without court adjudications of guilt, except as specifically authorized by Code Section 35-3-34.1 or other law; and
- (C) When the identifying information provided is sufficient to identify persons whose records are requested electronically, the center may disseminate electronically criminal history records of in-state felony convictions, pleas, and sentences without:
 - (i) Fingerprint comparison; or
 - (ii) Consent of the person whose records are requested;"

SECTION 3.

Said article is further amended by striking "and" at the end of paragraph (1.1) of subsection (a) and adding a new paragraph to subsection (a) of Code Section 35-3-35, relating to the disclosure and dissemination of records to public agencies and political subdivisions, as follows:

"(1.2) Make criminal history records maintained by the center and national criminal history records maintained by the Federal Bureau of Investigation, obtained by the center, available to the governing authority of any county or municipality, for any applicant or licensee in a specified occupation for which such local governing authority has adopted an ordinance or resolution requiring such applicants or licensees in a particular occupation or profession regulated by the governing authority to be fingerprinted as a condition of submitting an application or obtaining or renewing a license. The center shall establish a uniform method of obtaining criminal history records required under this paragraph. Such uniform method shall require the submission to the center of two complete sets of fingerprints and the records search fee. Upon receipt thereof, the center

shall promptly transmit one set of fingerprints to the Federal Bureau of Investigation for a search of bureau records and an appropriate report and shall retain the other set and promptly conduct a search of its own records and records to which it has access. After receiving the fingerprints and fee, the center shall notify the requesting local government authority in writing of any derogatory finding, including, but not limited to, any criminal record data regarding the fingerprint records check or if there is no such finding. Nothing in this paragraph shall prevent the local governing authority from obtaining national criminal history records directly from the Federal Bureau of Investigation, if an ordinance or resolution requiring the fingerprints of an applicant or licensee of a particular occupation or profession regulated by the local governing authority has been adopted by such governing authority of the county or municipality; and"

SECTION 4.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.